

# United States District Court

## Eastern District of Missouri

UNITED STATES OF AMERICA

v.

FRANKLIN D. MORRIS

### AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 4:05cr141 HEA; S1-4:05cr85 HEA & S2-4:05cr85 HEAUSM Number: 31636-044

Lawrence Fleming

Defendant's Attorney

Date of Original Judgment: March 2, 2006

(Or date of last Amended Judgment)

## Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- ☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- ☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
- ☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3583(c) or 3583(e))
- ☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. §§ 3582(c)(1))
- ☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- ☐ Direct Motion to District Court Pursuant to ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
- ☒ Modification of Restitution Order (18 U.S.C. § 3664)

## THE DEFENDANT:

- ☒ pleaded guilty to count(s) Ct. 1 of 4:05cr141 HEA; Ct. 1, Ct. 17, Ct. 18 of S1-4:05cr85 HEA; Ct. 1 of S2-4:05cr85 HEA
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC 287 and 2 4:05cr141 HEA	Filing a false federal income tax return.	3/22/00	1
2113(a) and (d) and 371 S1-4:05cr85 HEA	Conspiracy to commit armed bank robbery.	6/2000 - 2/5/05	1
18 USC 2113(a) and (d) S1-4:05cr85 HEA	Armed bank robbery.	9/5/03	17

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) 2,3,4,5 in 4:05cr141 HEA are dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

June 23, 2006

Date of Imposition of Judgment

  
 Signature of Judge

Honorable Henry E. Autrey

United States District Judge

Name &amp; Title of Judge

June 23, 2006

Date signed

DEFENDANT: FRANKLIN D. MORRISCASE NUMBER: 4:05cr141HEA; S1-4:05cr85 HEA & S2-4:05cr85 HEADistrict: Eastern District of Missouri

## ADDITIONAL COUNTS OF CONVICTION

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 924(c) and 2 S1-4:05cr85 HEA	Brandishing a firearm during and in relation to a crime of violence.	9/5/03	18
18 USC 1344 and 2 S2-4:05cr85 HEA	Bank fraud.	10/25/99 - 11/24/99	1

DEFENDANT: FRANKLIN D. MORRISCASE NUMBER: 4:05cr141HEA; S1-4:05cr85 HEA & S2-4:05cr85 HEADistrict: Eastern District of Missouri**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 138 months.

This term consists of a term of 60 months on count one in case 4:05cr141 HEA; 60 months on count one and 78 months on count 17 of case S1-4:05cr85 HEA; and 78 months on count one of case S2-4:05cr85 HEA, such terms to be served concurrently with each other, and a consecutive 60 months on count 18 of case S1-4:05cr85 HEA for an aggregated sentence of 138 months.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that the defendant be directly placed in permanent confinement as close as possible to Columbus, Ohio.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ a.m./pm on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal

☐ as notified by the Probation or Pretrial Services Office

**MARSHALS RETURN MADE ON SEPARATE PAGE**

DEFENDANT: FRANKLIN D. MORRISCASE NUMBER: 4:05cr141 HEA; S1-4:05cr85 HEA & S2-4:05cr85 HEADistrict: Eastern District of Missouri**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.

This term consists of term of: three years on count one of case 4:05cr141 HEA; three years on count one, three years on count 17 and five years on count 18 of case S1-4:05cr85 HEA; and five years on count one of case S2-4:05cr85 HEA. All terms of supervised release shall run concurrently.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☒ The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment

The defendant shall comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: FRANKLIN D. MORRISCASE NUMBER: 4:05cr141HEA; S1-4:05cr85 HEA and S2-4:05cr85 HEADistrict: Eastern District of Missouri**ADDITIONAL SUPERVISED RELEASE TERMS**

1. The defendant shall refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of commencement of supervision and at least two periodic drug tests thereafter for use of a controlled substance.
2. The defendant shall participate in a drug or alcohol abuse treatment program approved by the United States Probation Office, which may include substance abuse testing, counseling, residence in a community corrections center, residence in a comprehensive sanctions center, or inpatient treatment in a treatment center or hospital. The defendant shall pay for the costs associated with substance abuse services based on a co-payment fee established by the United States Probation Office. Co-payments shall never exceed the total cost of services provided.
3. The defendant shall abstain from the use of alcohol and/or all other intoxicants.
4. The defendant shall submit his person, residence, office, or vehicle to a search conducted by the United States Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
5. If not obtained while in Bureau of Prisons' custody, the defendant shall participate in GED classes as approved by the United States Probation Office.
6. The defendant shall file all correct tax returns and forms required by the income tax laws of the United States, pay any taxes owed and, as requested by the United States Probation Office, provided copies of all filed tax forms.
7. The defendant shall provide the probation officer and the Financial Litigation Unit (FLU) of the U.S. Attorney's Office with the access to any requested financial information. The defendant is advised that the probation office may share financial information with FLU.
8. The defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without the approval of the United States Probation Office so long as there is a balance on the Court-imposed financial obligation.
9. The defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or other anticipated or unexpected financial gains to the outstanding Court-ordered financial obligation. The defendant shall immediately notify the probation officer of the receipt of any indicated monies.
10. The defendant shall pay the restitution and fine as previously ordered by the Court.

DEFENDANT: FRANKLIN D. MORRISCASE NUMBER: 4:05cr141HEA, S1-4:05cr85 HEA & S2-4:05cr85 HEADistrict: Eastern District of Missouri**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on sheet 6

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	<u>\$500.00</u>	<u>                    </u>	<u>\$1,513,059.35</u>

☐ The determination of restitution is deferred until                     . *An Amended Judgment in a Criminal Case (AO 245C)*☐ The defendant shall make restitution, payable through the Clerk of Court, to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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Totals:                                                                          

☐ Restitution amount ordered pursuant to plea agreement                                     ☐ The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:☐ The interest requirement is waived for the. ☐ fine and /or ☐ restitution.☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: FRANKLIN D. MORRISCASE NUMBER: 4:05cr141HEA; S1-4:05cr85 HEA & S2-4:05cr85 HEADistrict: Eastern District of Missouri**ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES**

IT IS FURTHER ORDERED that the defendant shall make restitution in the amount of at least \$1,414,459.35 on Docket No. S1-4:05cr85 HEA and \$98,600 on Docket No. S2-4:05cr85 HEA. As to Docket No. S1-4:05cr85 HEA, the government's investigation continues at this time; however, to date, the total loss suffered by the victim banks is \$1,414,459.35. The loss amount suffered by the individual bank employee victims remains under investigation. The victim banks, their addresses, and their losses are listed below. Once obtained from the government, the addresses of the individual victims will be maintained by the U.S. Probation Office.

As to Docket No. S2-4:05cr85 HEA, the victim is the CUNA Mutual Group, P.O. Box 1221, Claim No. B559369, Madison, Wisconsin 53701, which suffered a loss of \$98,600. Should future additional defendants be determined to be responsible for the same losses, this obligation shall be joint and several, meaning that no further payments shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injuries. Payments of restitution shall be made to the Clerk of Court for transfer to the victim. Restitution is due immediately, but if the defendant is unable to pay the restitution in full immediately, then restitution shall be paid in monthly installments of at least \$200, with payments to commence no later than 30 days after release from imprisonment. The defendant shall notify the United States Attorney for this district within 30 days of any change of mailing or residence address that occurs while any portion of the restitution remain unpaid.

It is recommended that the defendant participate in the Financial Responsibility Program while incarcerated, if that is consistent with Bureau of Prisons policies.